
Public Notice

Applicant:
Gibco
Corporation

Date:
Invitrogen Published: August 30, 2002
Expires: September 13, 2002

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2002-02051(0) Section: NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Gibco Invitrogen Corporation, 3175 Staley Road, Grand Island, New York 14072, has applied for a Department of the Army permit to discharge fill into wetlands in connection with the expansion of the existing facilities. The project site is located on Staley Road, Town of Grand Island, Erie County, New York.

The purpose of the project is to construct a building that will serve as an office, warehouse and distribution facility.

The work that the applicant is proposing entails filling or otherwise permanently disturbing 1.72 acres of federal wetland. The areas to be impacted are a mix of marginal quality emergent, wet meadow and shrub scrub wetlands.

Alternatives to the proposed project that have been considered include off-site and on-site alternatives. Off-site alternatives would require the building of a similar facility off-site, leasing or buying property that has existing cooler/freezer capability or not building at all. Leasing or buying are not feasible project alternatives, as no additional facilities in the Buffalo area are available which are suitable to Gibco's needs. Building a similar facility off-site would not be efficient as the most efficient way to produce and store their products would require the consolidation of sales/service, production, storage and distribution at one location. Production alone requires significant need for electricity and wastewater treatment, both of which exist at their present facilities. The alternative to not building at all in the Buffalo area would result in a total relocation of the warehouse and distribution function of the facility and the loss of local jobs. On-site building alternatives to the proposed project were reviewed and determined not practicable due to distance from road frontage, size constraints and other wetland areas on the property.

The applicant is proposing to mitigate for direct impacts to 1.72 acres of wetland by putting resources towards purchase of approximately 28 acres of an existing diverse and productive wetland habitat known as the Spicer Creek wetlands. This wetland area is the only remaining coastal marsh on the Niagara River. Moreover the wetlands and surrounding aquatic habitat have been

designated as a New York State Significant Coastal Habitat Area. This wetland provides habitat for valuable wildlife including the canvasback, common merganser, mallard, bufflehead, common goldeneye, and chimney building crayfish. Osprey have also been observed in this wetland area. In addition, Spicer Creek is the most important habitat in the Niagara River for freshwater mussels and has the highest diversity and number of mussels within the Niagara River system. The total 28 acres includes wet meadows, forested wetlands, emergent wetlands, scrub-shrub wetlands and some areas of forested upland.

Gibco's contribution, along with other resources will enable them to purchase the entire 28 acre parcel. Gibco will transfer the 28 acres to the New York State Department of Environmental Conservation to ensure that this valuable wetland system is under the stewardship of a government entity.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Heather L. Adams, who can be contacted by calling (716) 879-4256, or by e-mail at: heather.l.adams@lrb01.usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Heather L. Adams, or by e-mail at: heather.l.adams@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

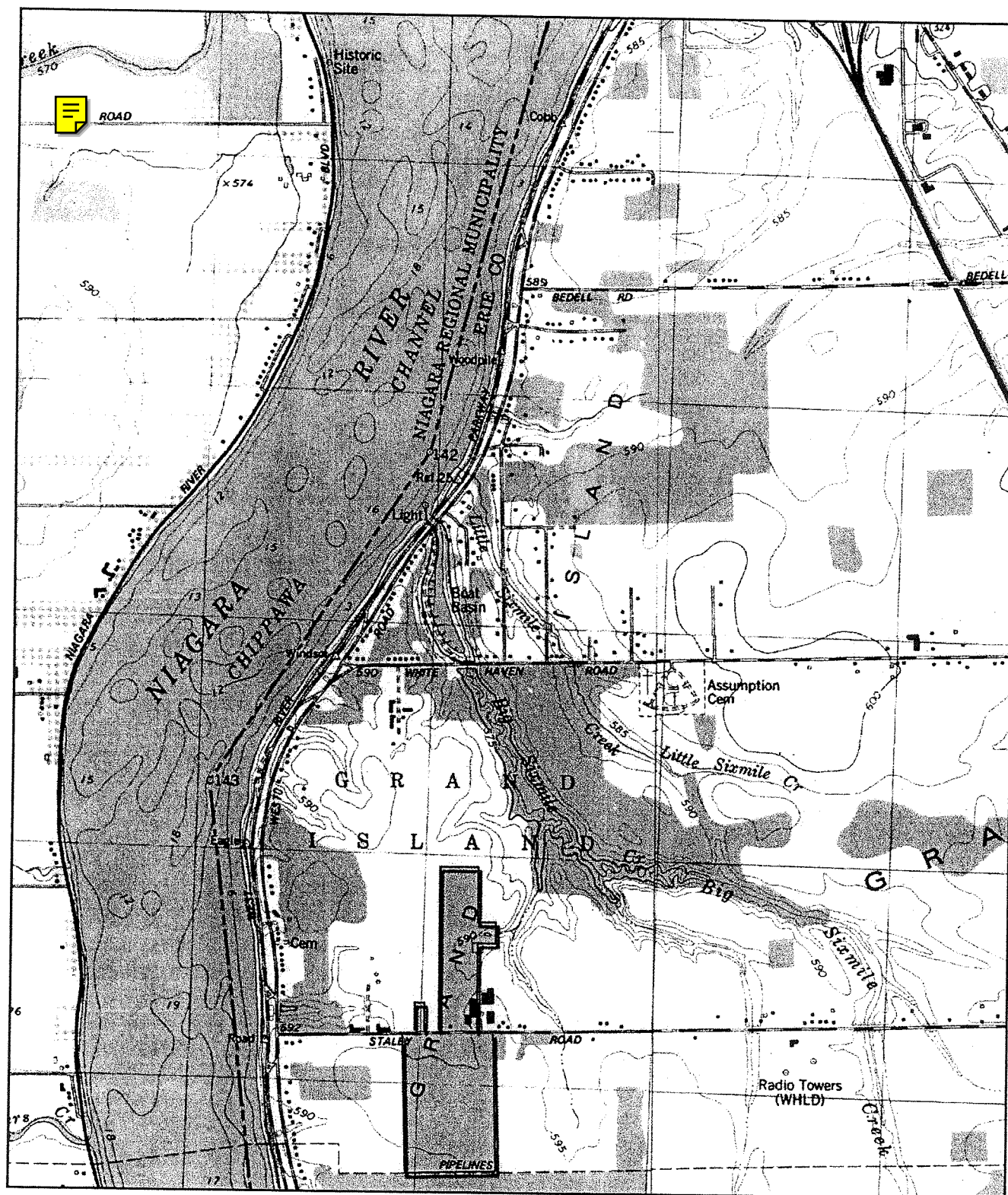
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.

GIBCO-Invitrogen Project



Prepared By:



- Project Boundary

0 500 1000 2000



Source: USGS 1:24000 Niagara Falls Quad

Figure 1

GIBCO INVITROGEN CORPORATION
D/A Processing No. 2002-02051(0)
Erie County, New York Quad: NIAGARA FALLS
Sheet 1 of 2

Site Location

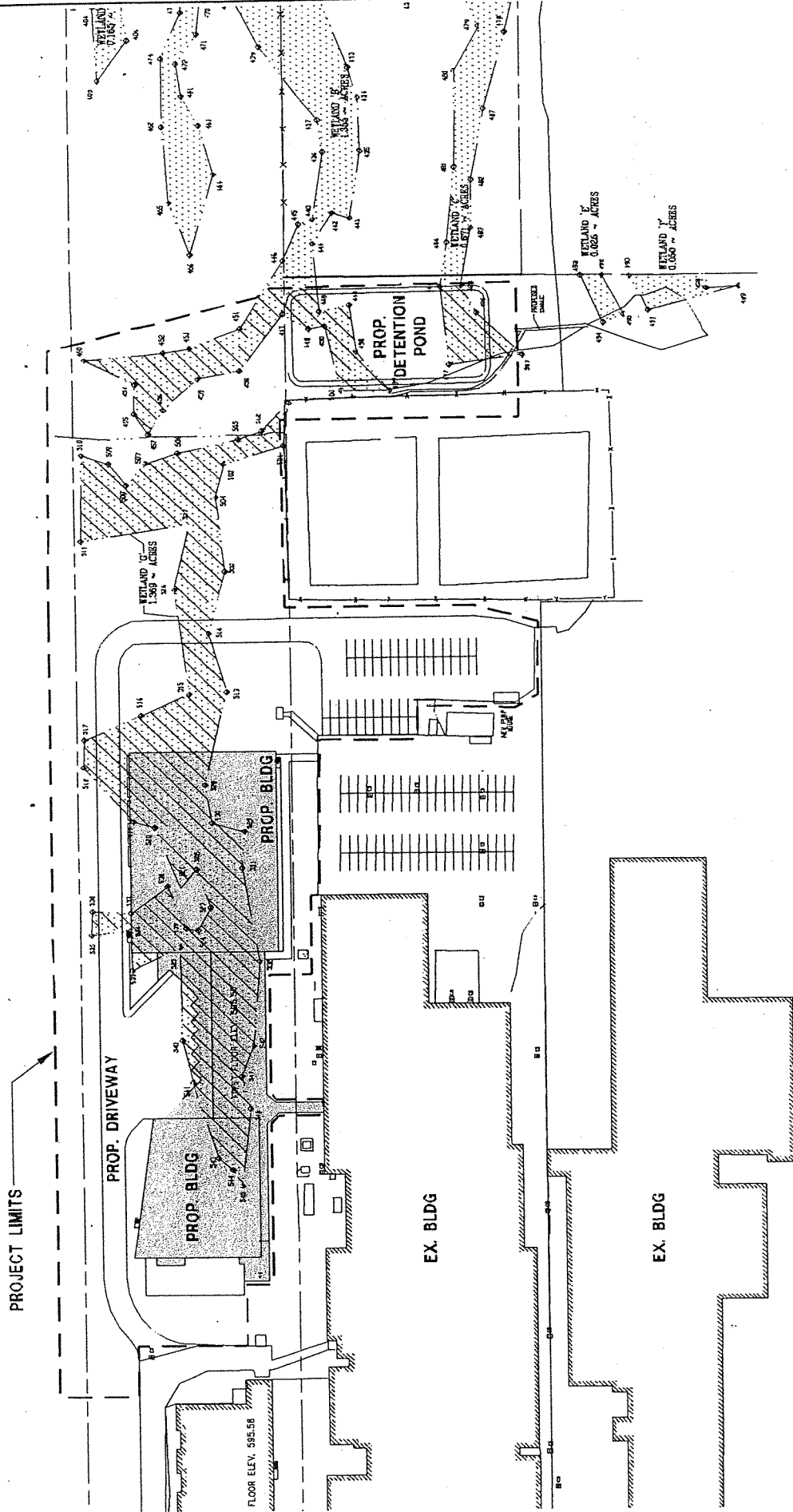


Figure 3
GIBCO-Invitrogen
Proposed Project Impacts
1"=100'

Delineated
Federal Wetlands
Wetland Impacts



WETLAND IMPACTS
WETLAND G - 59,533 SF (1.36 AC)
WETLAND B - 12,293 SF (.28 AC)
WETLAND C - 3,584 SF (.08 AC)

